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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 DENNIS STEVEN RAY PARKER,

11 Plaintiff,

12 v.

13 DANIEL WHITE, et al.,

14 Defendants.

CASE NO. 3:18-cv-05093-BHS-DWC

ORDER GRANTING MOTION TO
CORRECT AND DENYING
MOTION TO COMPEL

15
16 Plaintiff Dennis Steven Ray Parker, proceeding *pro se* and *in forma pauperis*, filed this
17 civil rights complaint pursuant to 42 U.S.C. § 1983. Before the Court are Plaintiff's Motion to
18 Correct Electronic E-Filing Docket ("Motion to Correct") (Dkt. 15) and Plaintiff's Motion to
19 Compel Defendants to Respond to Discovery ("Motion to Compel") (Dkt. 16).

20 **I. Background**

21 Plaintiff filed his Complaint in February of 2018. Dkt. 1. Because Plaintiff included so
22 many John Doe Defendants, the Court filed an Order to Show Cause or Provide List of
23 Defendants ("Order to Show Cause"). Dkt. 10. In response, Plaintiff filed two Responses to the
24 Order to Show Cause, including a set of interrogatories for each of his John Doe Defendants.

1 Dkts. 11, 12. The Court interpreted this to mean Plaintiff did not have the ability to more
2 specifically name his John Doe Defendants without input from the named Defendants themselves
3 or the Office of the Attorney General, and so ordered that his Complaint be served on his named
4 Defendants. Dkt. 14.

5 Plaintiff then filed his Motion to Correct (Dkt. 15) and a Motion to Compel, asking the
6 Court to order Defendants to respond to the interrogatories he included with his Responses to the
7 Order to Show Cause (Dkt. 16). Defendants filed a Response opposing the Motion to Compel,
8 but did not respond to the Motion to Correct. Dkt. 21.

9 **II. Discussion**

10 *A. Motion to Correct Electronic E-Filing Docket (Dkt. 15)*

11 Plaintiff first requests the Court correct the docket entry for one of his John Doe
12 Defendants. Dkt. 15. The Court provided the Clerk with the name “John Doe, First Shift Office
13 R-1-#9 ‘F’ tier 16:00 PM tier check August/22/2017.” Dkt. 14. However, Plaintiff now states
14 that Defendants’ description should read “11:00 PM,” rather than “16:00 PM.” Dkt. 15.

15 Therefore, the Clerk is directed to correct the docket entry at Dkt. 14. The above noted
16 Defendant should be corrected to read “John Doe, First Shift Office R-1-#9 ‘F’ tier 11:00 PM
17 tier check August/22/2017.”

18 *B. Motion to Compel Defendants to Respond to Discovery (Dkt. 16)*

19 Plaintiff has filed interrogatories with the Court and now asks the Court to require
20 Defendants to respond to them. Dkt. 16. The purpose of a Motion to Compel is to require a party
21 to produce discovery when the party either failed to make a required preliminary disclosure or is
22 refusing to respond to a request for discovery. Fed. R. Civ. Proc. 37(a)(3). Here, Defendants have
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1 not yet filed their Answer and the discovery period has not yet been opened. There is thus no
2 discovery yet to compel.

3 In addition, Plaintiff has also filed the interrogatories with the Court rather than providing
4 them to Defendants. LCR 5(b) (“discovery requests . . . must not be filed until they are used in
5 the proceedings or the court orders filing”). Further, Plaintiff’s Motion to Compel was filed
6 without attempting to meet and confer with Defendants, a necessary step when bringing a
7 Motion to Compel. *See* LCR 37 (a)(1). Plaintiff has thus failed to adhere to local rules in his
8 attempt to compel discovery.

9 The Court notes it appears Plaintiff may be attempting to use his interrogatories to
10 compel Defendants to provide identifying information for his John Doe Defendants. If that is the
11 case, the appropriate procedure would be to provide Defendants with his interrogatories once a
12 pretrial scheduling order has been entered and the discovery period opened, and then update his
13 case to include any identifying information Defendants provide.

14 However, as it stands, Plaintiff has filed his motion prematurely and has not served his
15 interrogatories in accordance with local rules. Therefore, the Motion to Compel (Dkt. 15) is
16 denied without prejudice.

17 **III. Conclusion and Instructions to Clerk**

18 For the reasons stated above, Plaintiff’s Motion to Correct (Dkt. 15) is granted, and his
19 Motion to Compel (Dkt. 16) is denied without prejudice.

1 The Clerk is directed to correct the following John Doe Defendant's entry at Dkt. 14:
2 "John Doe, First Shift Office R-1-#9 'F' tier 16:00 PM tier check August/22/2017" should be
3 corrected to "John Doe, First Shift Office R-1-#9 'F' tier 11:00 PM tier check August/22/2017."

4 Dated this 6th day of July, 2018.

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7 David W. Christel
8 United States Magistrate Judge
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